



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,256	11/13/2001	Peter Wagner	A34735 (071308.0256)	2749

31625 7590 03/23/2006

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER

TRUONG, LECHI

ART UNIT PAPER NUMBER

2194

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,256

Applicant(s)

WAGNER, PETER

Examiner

LeChi Truong

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8, ^{10-11, 13-15} ~~10-15~~ and 17-22 is/are pending in the application. *mr*
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-11, 13-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

William Thomson
WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-2, 4-8, 10-11, 13-15, 17-22 are presented for the examination. Claims 3, 9, 12, 16, 23 are canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA (Admitted Prior Art) in view of Sheard et al (US. Patent 6,208,345 B1) and further in view of Humpleman et al (US. Patent 6,466,971 B1).

As to claim 1, APA teaches the invention substantially as claimed including: the control of automation (control of an automation, page 1, ln 21-22), an engineering system (engineering system, page 2, ln 1-3), a runtime system (the run-time, page 2, ln 1-4), the engineering system generates data, which are transferred to the runtime system (page 2, ln 1-4).

APA does not explicit teach system is operable to convert data generated to control the runtime system into the format that can be read by destination, control processor, an information preparation device for preparing the converted data and exchanging the prepared data, a data storage device for storing the converted data. However, Sheard teaches the system that operable

Art Unit: 2194

to convert data generated to control the runtime system into the format that can be read by destination (the adapter 34 a disassociates the informational content component 'A' alternatively referred to as informational content 'A' and transmits only the informational content 'A' to the data exchange infrastructure 32, col 8, ln 10-17/ the adapter 34 reformulates the informational content 'A' into a common or generic form which is subsequently operated on by the data exchange infrastructure 32, col 8, ln 18-22/ col 8, ln 30-39/ Fig. 1), an information preparation device for preparing the converted data , for exchanging the prepared data for external destination/ for exchanging the prepared data for external internet client (the adapter 120 is configured to translate the EDI information content having a common format to EDI format and dialect required by the destination application, col 10, ln 16-10/ Fig. 120/ the data exchange infrastructure 62 cooperates with a routing logic module 66 to determine one or more destination applications within the information provider2, col 12, ln13-18), internet client (col 17, ln 49-53), a data storage device for storing the converted data(information content I1 one or more selected output queues, col 13, ln 55-60/ the OSS message is transferred to the data store 201 couple to the data exchange infrastructure 202,... the data stored 202 may distributed at different physical and logical location, col 14, ln 15-25/a sample extractor 115, col 2, ln 45-50), controlled variables data (metadata from other source, sources as the internet, col 1, ln 44-48 and col 58-61/ from media data referred as metadata and annotations, col 2, ln 29-35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA and Sheard because Sheard's system for converting data generated to control the runtime system into the format that can be read by destination

Art Unit: 2194

would improve the flexibility of APA's system by allowing a highly scalable data to exchange infrastructure which may be readily implemented within a distributed network system.

APA and Sheard do not teach a format that can be read by standard Internet clients. However, Humpleman teaches a format that can be read by standard Internet clients (converted to XML form to comply with the web/Internet standard XML for inter-device communication, col 13, ln 65-67 to col 14, ln 1-8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Sheard and Humpleman because Humpleman's a format that can be read by standard Internet clients would improve the flexibility of APA and Sheard's systems by providing the ability for various network devices to automatically command and control other various network devices.

3. Claims 2, 4-6, 10, 11, 13-15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA (Admitted Prior Art) in view of Sheard et al (US. Patent 6,208,345 B1) in view of Humpleman et al (US. Patent 6,466,971 B1), as applied to claim 1 above, and further in view of Srivastava et al (US. 6,549,922 b1).

As to claim 2, APA, Sheard and Humpleman do not teach the format is selected from XML, HTML. However, Srivastava teaches the format is selected from XML, HTML (col 2, ln 59-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Sheard, Humpleman and Srivastava because

Art Unit: 2194

Srivastava's selected from XML, HTML would improve efficiency of APA, Sheard and Humpleman's systems by allowing the programmer to handle each of the wide variety of storage techniques used by different proprietary media formats.

As to claim 4, Srivastava teaches the project engineering information and the data from the control device comprise static and / or dynamic variables (col 4, ln 39-43).

As to claim 5, Srivastava teaches only predetermined data is stored in the data storage device (col 2, ln 60-65).

As to claim 6, Srivastava teaches a display device in which static and dynamic data can be mixed in image (col 5, ln 1-11).

As to claim 10, it is an apparatus claim of claim 1; therefore, it is rejected for the same reasons as claim 1 above. In additional, Srivastava teaches a run-time system (the framework at run-time, col 4, ln 44-48).

As to claims 11, 13-15, they are apparatus claims of claims 2-6; therefore, they are rejected for the same reasons as claims 2-6 above.

As to claim 19, Srivastava teaches system document/ user documentation and identification information (the media data, col 2, ln 57-58), stored directly or by hyperlinks (col 2, ln 60-65).

4. Claims 7, 8, 17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA (Admitted Prior Art) Sheard et al (US. Patent 6,208,345 B1) in view of Humpleman et al (US. Patent 6,466,971 B1), as applied to claim 1 above, and further in view of Olkin et al (US. Patent 5,878,220).

As to claim 7, APA, Sheard and Humpleman do not teach a web server. However, Olkin teaches a web server (server 130, col 4, ln 30-36).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Sheard, Humpleman and Olkin because Olkin's web server would improve the efficiency of APA, Sheard and Humpleman's systems by providing a data transport system that effectively supports the transfer.

As to claim 8, Olkin teaches the web server provides data restricted to operating, observation or server information (col 4, ln 35-39).

As to claim 17, Olkin teaches the data provided for the Internet is restricted to operating, observation or service information data (col 4, ln 35-39).

As to claim 20, Olkin teaches internet (high bandwidth network 150/ network 120, fig. 1)

5. Claims **18, 21, 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over APA (Admitted Prior Art) in view of Sheard et al (US. Patent 6,208,345 B1) in view of Humpleman et al (US. Patent 6,466,971 B1), as applied to claim 1 above, and further in view of Taylor (The Gemini telescope control system).

As to claim 18, APA teaches the project information is obtained form an engineering system (the project engineering data developed in the engineering system, page 2, ln 1-3).

APA, Sheard and Humpleman do not teach an open loop and closed loop. However, Taylor teaches an open loop and closed loop (open loop/ closed loop, sec: 5, ln 1-4).

Art Unit: 2194

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Sheard, Humpleman and Taylor because Taylor's open loop and closed loop would increase the efficiency of APA, Sheard, Humpleman's systems by allowing easy construction of graphical interfaces to control and monitor the databases.

As to claims 21, 22, they are apparatus claims of claims 18, 19; therefore, they are rejected for the same reasons as claims 18, 19 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Application/Control Number: 10/057,256

Page 8

Art Unit: 2194

LeChi Truong

March 14, 2006


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER